

## **LAR 130. JUDGMENT IN ACTION IN REM**

**(a) Notice Required.** A party seeking a judgment, default or otherwise, in an action in rem must show to the satisfaction of the court that due notice of the action and arrest of the property has been given:

- (1) By publication, as required in Rule 125;
- (2) By service on the master or other person having custody of the property, if any such person can be found;
- (3) By delivery, to every other person who has not appeared in the action and is known to have an interest in the property.

The party seeking a judgment may be excused for failing to give notice to such "other person" upon a showing to the satisfaction of the court that diligent effort was made to give the notice, without success.

### **(b) Persons With Recorded Interests.**

- (1) If the defendant property is a vessel documented under the laws of the United States, plaintiff must obtain a current certificate of ownership from the Coast Guard and give notice to the persons named therein who appear to have an interest.
- (2) If the defendant property is a vessel numbered as provided in the Federal Boat Safety Act, plaintiff must obtain information from the issuing authority and give notice to the persons named in the records of such authority who appear to have an interest.

**(c) Manner of Giving Notice.** A required notice, other than by publication or other manner of service required by Local Admiralty Rule 130(a)(2), of the action and arrest of the property shall be given by delivering a copy of the complaint and warrant of arrest. The delivery may be made by personal service or by certified mail with return receipt requested to the last known address of the person to whom notice must be given.

**(d) Motion for Default Judgment.** Upon a showing that no one has appeared to claim the property and give security and that due notice of the action and arrest of property has been given, plaintiff may move for judgment at any time after the time for answer has expired. If no one has appeared, plaintiff may have an ex parte hearing and judgment without notice. If any person has appeared and does not join in the motion for judgment, such person shall be given 5 days' notice of the motion.

[Effective May 1, 1992; amended effective July 1, 1997.]